

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:)
Connie Ann Cummings)
Gary Ross Willmon,)
Debtors,) Chapter 13
) Case No. 20-80007
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**DEBTOR'S OBJECTION TO U.S. BANK TRUST, N.A., AS TRUSTEE OF THE
LODGE SERIES III TRUST C/O BSI FINANCIAL SERVICES PROOF OF
CLAIM NO. 5**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

NOW COMES, Connie Ann Cummings and Gary Ross Willmon, Debtors, and objects to the U.S. Bank Trust, N.A., as Trustee of the Lodge Series III Trust c/o BSI Financial Services' Proof of Claim No. 5, (hereinafter BSI Financial Services), filed on March 5, 2020 and in support of its objection sets forth as follows:

1. The proof of claim for the amount of \$215,715.00 filed by BSI Financial Services is for mortgage payments and additional fees for a house that Debtors currently reside in at 14 Kandes Court, Durham NC, 27713.
2. The debtors purchased the home in 2001 with a mortgage from Lender Corp., for the value of or about \$180,000.00.
3. Since first purchased, the mortgage from Lender Corp., has been sold and repurchased several times, before being held by BSI Financial Services.
4. The debtors contend that throughout the subsequent sale and repurchases, Debtors have continued to make payments on the mortgage in which they thought was being paid as necessary or attempted to make payments on the mortgage.
5. The debtors further contend that these mortgage transfers has accumulated in excess \$35,000.00 in service fees and cost from BSI Financial Services.

6. Accordingly, the U.S. Bank Trust, N.A., as Trustee of the Lodge Series III Trust c/o BSI Financial Services' claim for \$215,715.00 should be reduced to the outstanding principal amount of \$172,962.78.
7. The presumptive amount of attorney's fees for this motion is \$400.00. The presumptive fee of \$400.00 is requested in this motion.

WHEREFORE, Debtors, respectfully object to the U.S. Bank Trust, N.A., as Trustee of the Lodge Series III Trust c/o BSI Financial Services' Proof of Claim and that the presumptive attorney's fee in the amount of \$400.00 be allowed.

Respectfully Submitted,

This the 2nd day of April, 2020.

THE LEMONS LAW FIRM, PLLC

/s/ Carena Brantley Lemons
Carena Brantley Lemons
Attorney for the Debtors
1921 North Pointe Drive, Suite 201
Durham, North Carolina 27705
N.C. Bar No. 28249

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing Notice via ECF, in the manner prescribed by Rule 5 of the Rules of Civil Procedure, with the same addressed to:

Richard M. Hutson, II
Chapter 13 Trustee
Post Office Box 3613
Durham, NC 27702-3613

Connie Ann Cummings
Gary Ross Willmon
14 Kandes Court
Durham NC, 27713

U.S. Bank Trust, N.A., as Trustee of the Lodge Series III Trust
c/o BSI Financial Services
1425 Greenway Drive
Suite 400
Irving TX, 75038

This the 2nd day of April, 2020.

THE LEMONS LAW FIRM, PLLC

/s/ Carena Brantley Lemons
Carena Brantley Lemons
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